

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.04.2016

CORAM

THE HON'BLE Mr.JUSTICE S.VAIDYANATHAN

C.M.A.No.1080 of 2016
and C.M.P.No.8056 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Kancheepuram. ... Appellant/Respondent

Vs.

1.D.Murugesan
2.Minor Muniammal
3.Minor Simma
4.Minor Sugi
Minors are rep. by guardian father
/1st respondent Mr.D.Murugesan ... Respondents/Petitioner

Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 27.01.2014 made in M.C.O.P.No.257 of 2012 on the file of the learned Subordinate Judge, Motor Accidents Claims Tribunal, Tiruttani.

For Appellant : Mr.P.Paramasiva Doss

J U D G M E N T

The Transport Corporation has preferred this Civil Miscellaneous Appeal challenging the judgment and decree dated 27.01.2014 made in M.C.O.P.No.257 of 2012 on the file of the learned Subordinate Judge, Motor Accidents Claims Tribunal, Tiruttani.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. For the death of one Jeeva, who was aged 35 years, working as an agricultural coolie and doing saree sales business, her husband and children filed a claim petition before the Tribunal claiming a sum of Rs.20,00,000/- as compensation. The accident in question took place on 27.06.2012. The Tribunal, taking note of the factual aspects, fixed the monthly income of the deceased at Rs.5,000/- and by adopting multiplier method, awarded compensation to the tune

of Rs.6,80,000/- towards loss of income, besides awarding a sum of Rs.1,00,000/- towards loss of love and affection, a sum of Rs.50,000/- towards loss of consortium and a sum of Rs.30,000/- towards funeral expenses, totalling a sum of Rs.8,60,000/- together with interest at 7.5% p.a. Aggrieved over the same, the present Civil Miscellaneous Appeal is filed by the Transport Corporation.

4. According to the learned counsel for the appellant/Transport Corporation, due to the carelessness of the deceased alone, the accident occurred and the Tribunal had failed to take into consideration about other passengers in the bus at the time of accident. It is his further contention that the compensation granted by the Tribunal is on the higher side.

5. On a perusal of the award, this Court finds that the Tribunal has awarded a just and reasonable compensation to the claimants for the death of the deceased. Hence, I find no reason to interfere with the award of the Tribunal. In the above circumstances, finding no merit, by confirming the award of the Tribunal, the Civil Miscellaneous Appeal is dismissed. The rate of interest granted by the Tribunal is also confirmed. The appellant/Transport Corporation Company is directed to deposit the entire award amount together with interest to the credit of M.C.O.P.No.257 of 2012 on the file of the Motor Accident Claims Tribunal [Subordinate Judge], Tiruttani, if not already deposited, within a period of four weeks from the date of receipt of a copy of this order and on such deposit being made, the major claimant is entitled to withdraw his share as apportioned by the Tribunal on filing necessary application before the Tribunal. The share of the minor claimants shall be deposited in a Fixed Deposit Scheme in any one of the Nationalised Banks initially for a period of three years renewable thereafter periodically. The interest accrued on such deposit shall be withdrawn by the natural guardian once in three months, till the minor claimants attain majority. No costs. Consequently, connected Miscellaneous Petitions are closed.

6. The Trial Court is expected to follow the procedures contemplated in the order dated 11.03.2016 passed by a Division Bench of this Court in C.M.A.No.428 of 2016, scrupulously.

Sd/-
Assistant Registrar(CS VII)

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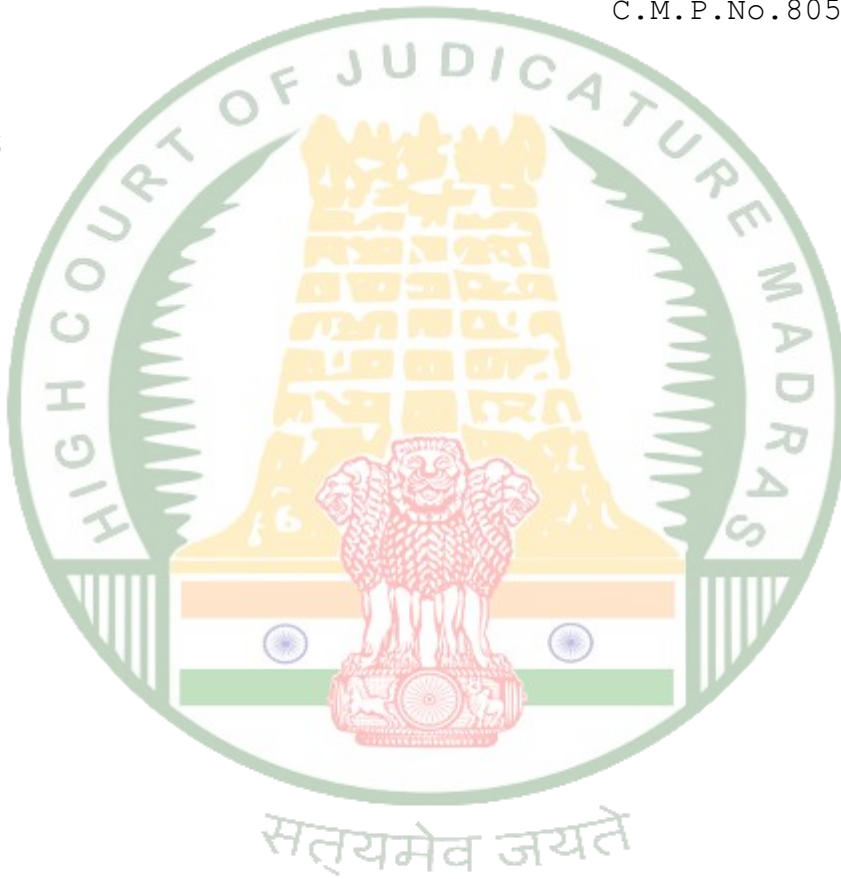
Sub Assistant Registrar

To:

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Tiruttani.

C.M.A.No.1080 of 2016
and
C.M.P.No.8056 of 2016

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